HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.2717 of 2005

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

PETITIONER : Vedram Suryavanshi, S/o Milap Suryavanshi, aged about 40 years, R/o. Ganganagar, Post - Mangla, District - Bilaspur (C.G.)

Versus

RESPONDENTS :
1. Presiding Officer Labour Court Bilaspur, Acting As Commissioner for Workmen, Bilaspur, (Under Workmen Compensation Act 1923) District - Bilaspur (C.G.)
2. Sanju Kumar Yadav, S/o Shri Krishna Yadav, aged about 20 years, Resident of Village Bharni, P.S. Chakarbhata Tahsil - Takhatpur, District - Bilaspur (C.G.)
3. Smt. Saroj Chandrol, W/o Shri Hardeo Narayan Chandrol, R/o. Police Line, P.S. Civil Line Bilaspur (C.G.)

Shri Anup Mazoomdar, Counsel for the petitioner.
Shri Vinay Harit, G.A. for the State.
Shri Sunil Otwani, Counsel for respondent No.2.
None appears for respondent No.3

ORAL ORDER
(Passed on 25th January, 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

1. Against the impugned award passed by the first respondent, an appeal lies under Section 30 of the Workmen Compensation Act, 1923 (hereinafter referred to as 'the Act'). The only reason stated by the learned counsel for the petitioner before us to bypass the statutory

appeal remedy provided under Section 30 the Act is that the first respondent was not notified to be Commissioner for Workmen Compensation as required under sub-section (1) of Section 20 of the Act and therefore, the award passed by him is a nullity in the law and therefore, the writ petition can be maintained. The appellant has also challenged the validity of the execution proceedings initiated by the first respondent in pursuance of the impugned award.

2. The above stated reason could hardly be a good and weighty reason for us to permit the petitioner to approach this Court under Article 226 and 227 of Constitution of India bypassing statutory appeal remedy provided under Section 30 of the Act. It is needless to state that the very ground urged before us to assail the validity of the impugned award could be a ground of attack in the appeal to be preferred under Section 30 of the Act. It need not take long time for us to understand why the petitioner has chosen the shortcut method to approach under Article 226 & 227. It is obviously because if the petitioner were to file appeal under Section 30 of the Act, he has to necessarily deposit the entire compensation money. This attitude on the part of the petitioner cannot be countenanced. Furthermore, it needs to be noticed that the appeal remedy provided under Section 30 of the Act is more comprehensive, effective and efficacious than the one remedy that may be granted by this Court under Articles 226 and 227.

3. For all these reasons, we decline to entertain this writ petition. It is accordingly dismissed. However, this order shall not come in the way of the petitioner, if he so advised, to work out his legal remedies under Section 30 of the Act by way of appeal.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani